

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Arthur Siewert Jr. et al
PO Box 153
Huntley, MT 59037
2. Type of action: Application to Change an Existing Irrigation Water Right
3. Water source name: Pryor Creek
4. Location affected by project: W2 Sec. 31, T2N, R28E, E2E2 Sec. 36 T2N, R27E, Yellowstone County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to change the points of diversion by changing the northern existing diversion to a transitory pump and adding a third point of diversion in the SESWNW (Gov't Lot 2) Sec. 31, T2N, R28E, Yellowstone County. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

Endangered-Threatened Species
Dewatered Stream Information
TMDL Information

Part II. Environmental Review**1. Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: no impact

Twenty-one miles of Pryor Creek from are listed as chronically dewatered by the DFWP. The Applicants propose to add points of diversion but to alternate use so there will be no increase in the amount of water diverted from Pryor Creek; this change should not worsen the already dewatered condition in this reach of Pryor Creek.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: no impact

Pryor Creek from US Highway 87 North to its confluence with the Yellowstone River is listed on the MDEQ 303(d) list as Water Quality Category 5 which includes waters where one or more applicable beneficial uses are threatened or impaired and a TMDL is required to address the factors causing the threat or impairment. The source is listed as not fully supporting aquatic life and primary contact recreation was no assessed. The probable causes of impairment are listed as Benthic Macroinvertebrates from an unknown source and flow regime modification from water diversions for crop production. This proposed change should not cause any alteration in the water quality of Pryor Creek for better or for worse.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: no impact

This application does not include a groundwater component.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: no impact

The proposed new diversions will be a similar 12-inch Crisafulli pump and a smaller 6-inch pump and will be located within a half to a mile downstream. There historically were two pump sites, one will remain, one will become a transitory diversion and the last will be stationary. The change in point of diversion will not affect channels, flows, barriers, riparian areas, dams or well construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No Impact

The Natural Heritage Program identified the following species of concern and special status species, within the project area: Hoary Bat, Little Brown Myotis, Great Blue Heron, Burrowing Owl, Greater Sage-Grouse, Pinyon Jay, Bald Eagle, Golden Eagle, Spiny Softshell, Snapping Turtle, Western Milksnake and Sauger. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. The proposed points of diversion fall outside currently mapped general sage grouse habitat. The Applicant does not need to consult with the Sage Grouse Habitat Conservation Program. This area is already actively farmed. There should be no change in affects to Sage Grouse due to this project.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: possible impact

There are no wetlands within the proposed place of use shown on the National Wetlands Inventory online at <https://www.fws.gov/wetlands/Data/Mapper.html>. There should be no impacts to wetland resources do to the proposed additional points of diversion.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: no impact

This project does not involve any ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: no impact

The project area is comprised mainly of Haverson loams and Haverson-Hysham loams. A description of the soils is in the project file. This project is to change the points of diversion for an existing irrigation system. Both the historic and proposed systems are flood irrigation systems. There is very low likelihood of soil degradation, alteration of stability or moisture content, or saline seep due to this proposed change in points of diversion.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: no impact

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal*

Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: no impact

NA – project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: no impact

There should be no significant impacts on other environmental resources of land, energy or water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: no impact

This proposed use is not inconsistent with locally adopted environmental plans and goals for Yellowstone County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: no impact

The project is located in an area that is actively farmed; this project should have no impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: no impact

There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No_X__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: no impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. *Describe any mitigation/stipulation measures:* None identified

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* The no action alternative would mean that the applicant could not move their diversion or add a diversion and would likely continue with their historical irrigation practices.

PART III. Conclusion

1. *Preferred Alternative* To authorize the change in point of diversion.

2. *Comments and Responses*

3. *Finding:*

Yes___ No_**X**___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts were identified. No EIS required.

Name of person(s) responsible for preparation of EA:

Name: Christine Schweigert

Title: Water Resources Specialist

Date: August 7, 2018